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7 **IN THE UNITED STATES DISTRICT COURT**
8 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 IN RE: PORTFOLIO RECOVERY
12 ASSOCIATES, LLC, TELEPHONE
13 CONSUMER PROTECTION ACT
14 LITIGATION

Case No. 3:11-MD-02295- JAH (BGS)

Hon. John A. Houston
Hon. Bernard G. Skomal

14 THIS DOCUMENT RELATES TO:
15 No. 3:17-cv-00383-JAH-BGS (*Smith*)

16 ORDER OF DISMISSAL OF *SMITH*,
17 ~~MIKE MEMBER CASE WITH~~
18 PREJUDICE

23 This cause is before the Court on the Joint Motion and Stipulation of Dismissal
24 with Prejudice, filed by Plaintiff Mike Smith and Defendant Portfolio Recovery
25 Associates, LLC, regarding said parties' stipulation to dismiss the member case *Smith*
26 v. *Portfolio Recovery Associates, LLC*, 3:17-cv-00383-JAH-BGS ("the *Smith*
27 action"), with prejudice and with each party to bear its own costs and attorneys' fees.
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1 On proof made to the satisfaction of the Court, and based on the parties' stipulation,
2 the Court finds that the *Smith* action must be dismissed with prejudice and with each
3 party to bear its own costs and attorneys' fees.

4 Based on the foregoing:

5 **IT IS ORDERED:**

6 1. All claims and counterclaims that were or might have been asserted in
7 the *Smith* action are dismissed, pursuant to the parties' settlement agreement and to
8 Federal Rule of Civil Procedure 41(a)(1)(A)(ii), with prejudice and with each party to
9 bear its own costs and attorneys' fees.

10 2. The Clerk of this Court shall transmit a copy of this Order to the Clerk
11 of the United States Judicial Panel on Multidistrict Litigation. *See* J.P.M.L. Rule 10.1
12 ("Where the transferee district court terminates an action by valid order, including but
13 not limited to summary judgment, judgment of dismissal and judgment upon
14 stipulation, the transferee district court clerk shall transmit a copy of that order to the
15 Clerk of the Panel."). The *Smith* action shall not be remanded to the transferor court,
16 and this Court shall retain the original files and records, unless the transferee judge or
17 the Panel directs otherwise. *Id.*

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19 DATED: February 28, 2020

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Hon. John A. Houston

